

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

RECEIVED

JAMES OTIS CATER  
Petitioner,

v.

DARLENE DREW, Warden,  
FPC Montgomery  
Respondent.

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DEBRA P. HACK **Civil Action No. 2:07CV739-MEF**  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA (to be assigned)  
**Criminal Action No.**  
92-00135, U.S. District  
Court, Southern District  
of Alabama

**DECLARATION IN SUPPORT OF REQUEST**

**TO PROCEED IN FORMA PAUPERIS**

**Case No.** \_\_\_\_\_

I, James Otis Cater declare that I am the Petitioner in the above entitled case; that in support of my motion to proceed without being required to prepay fee, costs or give security therefor, I stat that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor, that I believe I am entitled to relief.

1. A. Are you presently employed? Yes No  
If answer is "yes," State the amount of your salary or wages per month and give the name and address of your employer.

\$40 monthly, FPC Montgomery, Maxwell Air Force Base,  
Montgomery, AL 36112

B. If the answer if "no," state the date of last employment, and the amount of salary and wages per month which you received.

2. Have you received within the past twelve months any money from any of the followingg sources?

A. Business, profession or form of self-employment?  
Yes X No

B. Rent payments, interest or dividends?  
Yes X No

C. Pensions, annuities or life insurance payments?  
Yes X No

D. Gifts or inheritances?  
Yes X No

E. Any other sources?  
X Yes \_ No

No. 2:07cv 739-MEF

(Case No. to be assigned)

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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

CEBRA P. HACKETT, CLERK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

JAMES OTIS CATER PETITIONER

VS.

DARLENE DREW, Warden, FPC Montgomery RESPONDENT

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

The petitioner asks leave to file the attached petition for writ of habeas corpus without prepayment of cost and to proceed in forma pauperis.

[ ] Petitioner has previously been granted leave to proceed in forma pauperis in the following court(s):

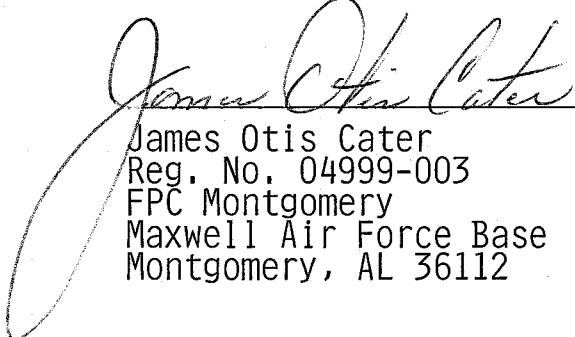
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[x] Petitioner has not previously been granted leave to proceed in forma pauperis in any court.

Petitioner's affidavit or declaration in support of this motion is attached hereto.

DATE 8/15/07

  
James Otis Cater  
Reg. No. 04999-003  
FPC Montgomery  
Maxwell Air Force Base  
Montgomery, AL 36112

## Inmate Statement

 PRINT

**Inmate Reg #:** 04999003      **Current Institution:** Montgomery FPC  
**Inmate Name:** CATER, JAMES      **Housing Unit:** MON-M-H  
**Report Date:** 08/15/2007      **Living Quarters:** M08-007L  
**Report Time:** 3:33:13 PM

<u>Alpha Code</u>	<u>Date/Time</u>	<u>Reference#</u>	<u>Payment#</u>	<u>Receipt#</u>	<u>Transaction Type</u>	<u>Transaction Amount</u>	<u>Encumbrance Amount</u>	<u>Ending Balance</u>
MON	8/15/2007 11:14:08 AM	15			Sales	(\$1.60)		\$47.18
MON	8/15/2007 11:10:35 AM	14			Sales	(\$40.10)		\$48.78
MON	8/9/2007 2:25:00 PM	44			Sales	(\$6.50)		\$88.88
MON	8/9/2007 2:11:38 PM	40			Sales	(\$24.90)		\$95.38
MON	8/4/2007 8:13:31 PM	TFN0804			Phone Withdrawal	(\$15.00)		\$120.28
MON	8/3/2007 11:02:07 AM	GIPP0707			Payroll - IPP	\$42.63		\$135.28
MON	8/1/2007 10:56:54 AM	12			Sales	(\$33.00)		\$92.65
MON	7/26/2007 10:51:10 AM	7			Sales	(\$29.30)		\$125.65
MON	7/18/2007 1:31:37 PM	28			Sales	(\$2.55)		\$154.95
MON	7/18/2007 11:18:38 AM	18			Sales	(\$30.65)		\$157.50
MON	7/16/2007 5:10:11 AM	70187203			Lockbox - CD	\$25.00		\$188.15
MON	7/11/2007 11:10:04 AM	21			Sales	(\$57.55)		\$163.15
MON	7/6/2007 10:21:46 AM	GIPP0607			Payroll - IPP	\$42.63		\$220.70
MON	7/5/2007 11:14:51 AM	13			Sales	(\$52.30)		\$178.07
MON	6/28/2007 10:54:14 AM	19			Sales	(\$30.15)		\$230.37
MON	6/23/2007 2:04:08 PM	TFN0623			Phone Withdrawal	(\$8.00)		\$260.52
MON	6/22/2007 5:13:13 AM	70185701			Lockbox - CD	\$100.00		\$268.52
MON	6/21/2007 3:11:55 PM	54			Sales	(\$61.10)		\$168.52
MON	6/19/2007 10:44:39 AM	GITS2CNV			Phone Rev With Rel	\$0.55		\$229.62
MON	6/18/2007 5:14:37 AM	70185303			Lockbox - CD	\$50.00		\$229.07
MON	6/13/2007 11:46:15 AM	28			Sales	(\$46.95)		\$179.07
MON	6/9/2007 5:18:00 AM	70184801			Lockbox - CD	\$200.00		\$226.02
MON	6/7/2007 6:07:48 PM	84			Sales	(\$21.10)		\$26.02
MON	6/4/2007 9:10:24 AM	GIPP0507			Payroll - IPP	\$46.40		\$47.12
MON	5/31/2007 7:14:12 PM	97			Sales	(\$16.95)		\$0.72
MON	5/23/2007 2:17:57 PM	21			Sales	(\$38.65)		\$17.67
MON	5/16/2007 6:30:55 PM	74			Sales	(\$39.15)		\$56.32
MON	5/9/2007 5:49:00 PM	56			Sales	(\$34.60)		\$95.47
MON	5/4/2007 8:45:24 AM	GIPP0407			Payroll - IPP	\$42.63		\$130.07
MON	5/2/2007 5:51:34 PM	81			Sales	(\$24.35)		\$87.44
MON	4/19/2007 5:37:27 PM	77			Sales	(\$34.95)		\$111.79
MON	4/12/2007 12:06:17 PM	33313907			Western Union	\$100.00		\$146.74
MON	4/11/2007 5:25:47 PM	83			Sales	(\$108.90)		\$46.74

MON	4/6/2007 8:56:36 AM	GIPP0307	Payroll - IPP	\$44.66	\$155.64
MON	4/5/2007 8:51:02 PM	ITS0405	Phone Withdrawal	(\$17.00)	\$110.98
MON	4/4/2007 11:36:32 AM	735	SPO - Released	\$112.70	-----
MON	4/4/2007 11:36:32 AM	15	Sales	(\$147.65)	\$127.98
MON	3/15/2007 10:47:08 AM	22	Sales	(\$34.45)	\$275.63
MON	3/15/2007 10:02:54 AM	735	SPO	(\$112.70)	-----
MON	3/12/2007 8:36:38 PM	ITS0312	Phone Withdrawal	(\$15.00)	\$310.08
MON	3/5/2007 10:39:26 AM	15	Sales	(\$45.50)	\$325.08
MON	3/2/2007 8:49:20 AM	GIPP0207	Payroll - IPP	\$38.57	\$370.58
MON	2/26/2007 8:17:25 PM	ITS0226	Phone Withdrawal	(\$10.00)	\$332.01
MON	2/24/2007 5:10:59 AM	70177401	Lockbox - CD	\$150.00	\$342.01
MON	2/22/2007 11:11:10 AM	32	Sales	(\$23.50)	\$192.01
MON	2/14/2007 7:17:00 AM	70176701	Lockbox - CD	\$75.00	\$215.51
MON	2/8/2007 5:45:32 PM	95	Sales	(\$1.55)	\$140.51
MON	2/8/2007 5:43:14 PM	452	SPO - Released	\$90.85	-----
MON	2/8/2007 5:43:14 PM	450	SPO - Released	\$56.60	-----
MON	2/8/2007 5:43:14 PM	94	Sales	(\$148.45)	\$142.06

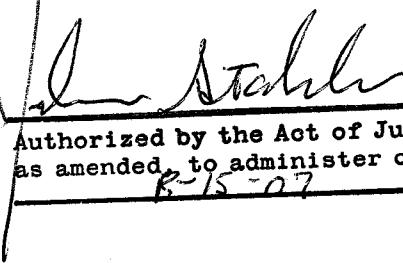
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Total Transactions: 77

Totals: (\$70.23) \$0.00

Current Balances

<u>Alpha Code</u>	<u>Available Balance</u>	<u>Pre-Release Balance</u>	<u>Debt Encumbrance</u>	<u>SPO Encumbrance</u>	<u>Other Encumbrance</u>	<u>Outstanding Instruments</u>	<u>Administrative Holds</u>	<u>Account Balance</u>
MON	\$47.18	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$47.18
<b>Totals:</b>	<b>\$47.18</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$47.18</b>

  
 \_\_\_\_\_, Case Manager  
 Authorized by the Act of July 7, 1955,  
 as amended, to administer oaths (18 U.S.C. 4004)  
 R-15-07, Date